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EXAMINER

MORGAN, ROBERT W

ART UNIT PAPER NUMBER

3626

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/883,754

Applicant(s)

GUAN ET AL.

Examiner

Robert W. Morgan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claims 9 and 10 are objected to because of the following informalities: Claims 9 and 10 are identical. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,006,191 to DiRienzo in view of U.S. Patent No. 5,737,740 to Henderson et al.

As per claim 1, DiRienzo teaches a medical care management system having a database of patient information including medical history records (see: column 11, lines 17-32), comprising:

--the claimed medical record input apparatus is met by the input device for changing one of the indicia in the electronic medical image (see: column 10, lines 21-22);

--the claimed medical record storage apparatus is met by the medical image storage memory for storing the electronic medical image (see: column 10, lines 14-16);

--the claimed medical record viewing apparatus is met by the computer system including a display for displaying the electronic medical image (see: column 10, lines 17-21); and

--the claimed comment input apparatus receiving comments from a user of the system relating to the medical record being displayed, and inputting the comments into the medical

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records storage apparatus linked to the medical record being displayed is met by computer (410, Fig. 3) displaying a form used by the physician to write his/her diagnosis directly into the form provided in the computer screen and the physician can employ the use of voice recognition software to improve efficiency (see: column 28, lines 65 to column 29, lines 11).

DiRienzo teaches that large screen presentation terminal have an optional remote control so that an attending technician or more can scroll images, enhance and zoom (see: column 5, lines 5-8).

DiRienzo fails to explicitly teach the claimed means for automatically scrolling the medical record being displayed by the medical record viewing apparatus.

Henderson et al. teaches a system for processing electronic documents where a scrolling function may be provided which automatically scrolls and/or pans the electronic document to display a portion of the document that is being edited (see: column 12, lines 3-6 and column 2, lines 19-22).

One of ordinary skill in the art at the time of the invention was made would have found it obvious to include scrolling function as taught by the Henderson et al. within the system for transmitting, storing, retransmitting and receiving a plurality of electronic medical images as taught by DiRienzo with the motivation of displaying a large document where the display of the entire large document would result in a loss of definition or clarity of the image (see: column 12, lines 7-10).

As per claim 2, DiRienzo teaches:

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--the claimed patient information input information apparatus is met the physician employing the use of voice recognition software to improve efficiency (see: column 28, lines 65 to column 29, lines 11);

--the claimed linking means for linking the patient information to at least one stored medical record is met by computer (410, Fig. 3) displaying a form used by the physician to write his/her diagnosis directly into the form provided in the computer screen (see: column 28, lines 65 to column 29, lines 11).

As per claim 3, DiRienzo teaches the claimed medical record comprises an electronic image of an analog or physical record. This limitation is met by the medical X-ray film (12, Fig. 1) scanned by the digitizing means (14, Fig. 1) which is then fed into the image data storage and retrieval means (16, Fig. 1) (see: column 3, lines 22-33).

As per claim 4, DiRienzo teaches the claimed analog or physical record includes a record previously created in corporeal form. This limitation is met by the medical X-ray film (12, Fig. 1) scanned by the digitizing means (14, Fig. 1) which is then fed into the image data storage and retrieval means (16, Fig. 1) (see: column 3, lines 22-33).

As per claim 5, DiRienzo teaches the claimed analog or physical record includes a previously remotely created electronic version of a record originally created in corporeal form. This limitation is met by the medical X-ray film (12, Fig. 1) scanned by the digitizing means (14, Fig. 1) which is then fed into the image data storage and retrieval means (16, Fig. 1) (see: column 3, lines 22-33).

As per claim 6, DiRienzo teaches the claimed medical record comprises a copy of a remotely created electronic image of the medical record. This feature is met by the many

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conventional devices which produce an electronic medical image (EMI) as an output develop the medical image in digital form and then print the image as a hard copy (see: column 18, lines 56-59).

As per claim 7, DiRienzo teaches the claimed patient information input apparatus is a dictation system employing voice recognition software. This limitation is met the physician employing the use of voice recognition software to improve efficiency (see: column 28, lines 65 to column 29, lines 11).

As per claim 8, DiRienzo teaches the claimed medical record is displayed in a window as part of a video display generated by a computing engine in communication with the medical record storage apparatus. This limitation is met by the computer system including a display for displaying the selected electronic medical image (see: column 10, lines 17-21).

As per claim 9, DiRienzo teaches the claimed medical record is displayed in a window as part of a video display generated by a computing engine in communication with the medical record storage apparatus. This limitation is met by the computer system including a display for displaying the selected electronic medical image (see: column 10, lines 17-21).

As per claim 10, DiRienzo teaches the claimed medical record is displayed in a window as part of a video display generated by a computing engine in communication with the medical record storage apparatus. This limitation is met by the computer system including a display for displaying the selected electronic medical image (see: column 10, lines 17-21).

As per claim 11, DiRienzo teaches a method of providing medical care management utilizing a database of patient information including medical history records, comprising:

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--the claimed storing medical records in the database in electronic form is met by the electronic digital medical database comprised of the stored digital medical images (see: column 11, lines 17-27);

--the claimed providing a display of a view of the stored medical record is met by the computer system including a display for displaying the selected electronic medical image (see: column 10, lines 17-21); and

--the claimed receiving and recording a comment from a viewer relating to the medical record being displayed, and inputting the comment into the database linked to the medical record being displayed is met by computer (410, Fig. 3) displaying a form used by the physician to write his/her diagnosis directly into the form provided in the computer screen and the physician can employ the use of voice recognition software to improve efficiency (see: column 28, lines 65 to column 29, lines 11).

DiRienzo teaches that large screen presentation terminal have an optional remote control so that an attending technician or more can scroll images, enhance and zoom (see: column 5, lines 5-8).

DiRienzo fails to explicitly teach the claimed scrolling the view of the medical record being displayed.

Henderson et al. teaches a system for processing electronic documents where a scrolling function may be provided which automatically scrolls and/or pans the electronic document to display a portion of the document that is being edited (see: column 12, lines 3-6 and column 2, lines 19-22).

The motivation of combining the teachings of Henderson et al. within the system as taught by DiRienzo are discussed in the rejection of claim 1, and incorporated herein.

As per claim 12, DiRienzo teaches the claimed inputting patient information into the database linked to at least one stored medical record. This limitation is met by the electronic digital medical database comprised of the stored digital medical images (see: column 11, lines 17-27). In addition, DiRienzo teaches a computer (410, Fig. 3) that displays a form used by the physician to write his/her diagnosis directly into the form provided in the computer screen (see: column 28, lines 65 to column 29, lines 11).

As per claims 13-20, they are rejected for the same reasons set forth in the rejection of claims 3-10.

As per claim 21, DiRienzo teaches a medical cart management system having a database of patient information including medical history records, comprising:

- the claimed medical record input apparatus is met by the input device for changing one of the indicia in the electronic medical image (see: column 10, lines 21-22);

- the claimed medical record storage apparatus is met by the medical image storage memory for storing the electronic medical image (see: column 10, lines 14-16);

- the claimed medical record viewing apparatus is met by the computer system including a display for displaying the electronic medical image (see: column 10, lines 17-21);

- the claimed comment input apparatus receiving comments from a user of the system relating to the medical record being displayed, and inputting the comments into the medical records storage apparatus linked to the medical record being displayed is met by computer (410, Fig. 3) displaying a form used by the physician to write his/her diagnosis directly into the form

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provided in the computer screen and the physician can employ the use of voice recognition software to improve efficiency (see: column 28, lines 65 to column 29, lines 11); and

--the claimed means for securely moving the medical record by the medical record storage apparatus is met by the security measure e.g., password, implemented to maintain the privacy of the patient's EMR (see: column 20, lines 42-43).

DiRienzo teaches that large screen presentation terminal have an optional remote control so that an attending technician or more can scroll images, enhance and zoom (see: column 5, lines 5-8).

DiRienzo fails to explicitly teach the claimed means for automatically scrolling the medical record being displayed by the medical record viewing apparatus.

Henderson et al. teaches a system for processing electronic documents where a scrolling function may be provided which automatically scrolls and/or pans the electronic document to display a portion of the document that is being edited (see: column 12, lines 3-6 and column 2, lines 19-22).

The motivation of combining the teachings of Henderson et al. within the system as taught by DiRienzo are discussed in the rejection of claim 1, and incorporated herein.

As per claim 22, DiRienzo teaches a medical care management system having a database of patient information including medical history records, comprising:

--the claimed medical record input apparatus is met by the input device for changing one of the indicia in the electronic medical image (see: column 10, lines 21-22);

--the claimed medical record storage apparatus is met by the medical image storage memory for storing the electronic medical image (see: column 10, lines 14-16);

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--the claimed medical record viewing apparatus is met by the computer system including a display for displaying the electronic medical image (see: column 10, lines 17-21);

--the claimed comment input apparatus receiving comments from a user of the system relating to the medical record being displayed, and inputting the comments into the medical records storage apparatus linked to the medical record being displayed is met by computer (410, Fig. 3) displaying a form used by the physician to write his/her diagnosis directly into the form provided in the computer screen and the physician can employ the use of voice recognition software to improve efficiency (see: column 28, lines 65 to column 29, lines 11); and

--the claimed means for securely moving the medical record by the medical record storage apparatus is met by the security measure e.g., password, implemented to maintain the privacy of the patient's EMR (see: column 20, lines 42-43).

--the claimed means for linking automatic scrolling of the medical record to the operation of the comment input apparatus is met by the computer (410, Fig. 3) displaying a form used by the physician to write his/her diagnosis directly into the form provided in the computer screen and the physician can employ the use of voice recognition software to improve efficiency (see: column 28, lines 65 to column 29, lines 11).

DiRienzo teaches that large screen presentation terminal have an optional remote control so that an attending technician or more can scroll images, enhance and zoom (see: column 5, lines 5-8).

DiRienzo fails to explicitly teach the claimed means for automatically scrolling the medical record being displayed by the medical record viewing apparatus.

Henderson et al. teaches a system for processing electronic documents where a scrolling function may be provided which automatically scrolls and/or pans the electronic document to display a portion of the document that is being edited (see: column 12, lines 3-6 and column 2, lines 19-22).

The motivation of combining the teachings of Henderson et al. within the system as taught by DiRienzo are discussed in the rejection of claim 1, and incorporated herein.

As per claim 23, DiRienzo teaches a medical care management system having a database of patient information including medical history records, comprising:

- the claimed medical record input apparatus is met by the input device for changing one of the indicia in the electronic medical image (see: column 10, lines 21-22);

- the claimed medical record storage apparatus is met by the medical image storage memory for storing the electronic medical image (see: column 10, lines 14-16);

- the claimed medical record viewing apparatus is met by the computer system including a display for displaying the electronic medical image (see: column 10, lines 17-21);

- the claimed comment input apparatus receiving comments from a user of the system relating to the medical record being displayed, and inputting the comments into the medical records storage apparatus linked to the medical record being displayed is met by computer (410, Fig. 3) displaying a form used by the physician to write his/her diagnosis directly into the form provided in the computer screen and the physician can employ the use of voice recognition software to improve efficiency (see: column 28, lines 65 to column 29, lines 11); and

- the claimed means for linking automatic scrolling of the medical record to the operation of a voice dictation apparatus comprising a part of the comment input apparatus is met by the

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computer (410, Fig. 3) displaying a form used by the physician to write his/her diagnosis directly into the form provided in the computer screen and the physician can employ the use of voice recognition software to improve efficiency (see: column 28, lines 65 to column 29, lines 11).

DiRienzo teaches that large screen presentation terminal have an optional remote control so that an attending technician or more can scroll images, enhance and zoom (see: column 5, lines 5-8).

DiRienzo fails to explicitly teach the claimed means for automatically scrolling the medical record being displayed by the medical record viewing apparatus.

Henderson et al. teaches a system for processing electronic documents where a scrolling function may be provided which automatically scrolls and/or pans the electronic document to display a portion of the document that is being edited (see: column 12, lines 3-6 and column 2, lines 19-22).

The motivation of combining the teachings of Henderson et al. within the system as taught by DiRienzo are discussed in the rejection of claim 1, and incorporated herein.

As per claim 24, DiRienzo teaches a medical care management system having a database of patient information including medical history records, comprising:

- the claimed medical record input apparatus is met by the input device for changing one of the indicia in the electronic medical image (see: column 10, lines 21-22);

- the claimed medical record storage apparatus is met by the medical image storage memory for storing the electronic medical image (see: column 10, lines 14-16);

- the claimed medical record viewing apparatus is met by the computer system including a display for displaying the electronic medical image (see: column 10, lines 17-21); and

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--the claimed means for securely moving a medical history record to and from the medical history record storage apparatus is met by the security measure e.g., password, implemented to maintain the privacy of the patient's EMR (see: column 20, lines 42-43).

DiRienzo teaches that large screen presentation terminal have an optional remote control so that an attending technician or more can scroll images, enhance and zoom (see: column 5, lines 5-8). In addition, DiRienzo teaches a computer (410, Fig. 3) displaying a form used by the physician to write his/her diagnosis directly into the form provided in the computer screen and the physician can employ the use of voice recognition software to improve efficiency (reads on "activating the scroll with voice recognition software") (see: column 28, lines 65 to column 29, lines 11).

DiRienzo fails to explicitly teach the claimed means for automatic scrolling of the medical record on the medical history record viewing apparatus.

Henderson et al. teaches a system for processing electronic documents where a scrolling function may be provided which automatically scrolls and/or pans the electronic document to display a portion of the document that is being edited (see: column 12, lines 3-6 and column 2, lines 19-22).

The motivation of combining the teachings of Henderson et al. within the system as taught by DiRienzo are discussed in the rejection of claim 1, and incorporated herein.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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In related art (6,177,940) Bond et al. discloses a data input and storage and correlation of data against group data contained in a linked database.

In related art (6,523,009) Wilkins teaches an individualized patient electronic medical record system that provides unlimited patient access to his/her medical records.


In related art (6,031,526) Shipp shows a system for generating electronic and printed medical records providing automatic integration of captured video still images and voice dictated information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Morgan whose telephone number is (571) 272-6773. The examiner can normally be reached on 8:30 a.m. - 5:00 p.m. Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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